

IN THE UNITED STATES DISTRICT COURT FOR TENNESSEE
MIDDLE DISTRICT, AT NASHVILLE

DAVID A. AVERY,
DEFENDANT,

v.

STATE OF TENNESSEE,
PLAINTIFF,

RECEIVED

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US DISTRICT COURT
MID DIST TENN

DIST. CT. CASE NO. _____

IN RE: STATE CRIM. CASE NO. 2006-C-2451

JURY TRIAL DEMANDED
7TH AMEND.

MOTION TO REMOVE OUTSTANDING CIVIL; CRIMINAL
CASE NO. 2006-C-2451 FROM STATE COURT TO THE
U.S. DIST. CT. BY THE DEFENDANT
28 U.S.C.A. § 1413(1) & (2)

I. CAUSE OF ACTION

THIS ACTION ARISES BECAUSE DEFENDANT DAVID A. AVERY (MR. AVERY) IS NOW UNLAWFULLY DETAINED, AND HAS CONTINUED TO BE CARELESSLY DENIED AND DEPRIVED OF HIS NATURAL RIGHT TO EXERCISE AND ENJOY ALL EQUAL RIGHTS TO WHICH HE IS ENTITLED UNDER HIS NATURAL BORN CITIZENSHIP. THEREFORE, THIS KIND OF ACTION IS ABSOLUTELY NECESSARY. THE 1ST, 5TH, 6TH, 7TH AND 14TH AMENDMENTS TO THE HONORABLE BILL OF RIGHTS, 42 U.S.C.A. § 1981 (a), (b), & (c) AND THE COMMON LAW SHALL BE APPLIED TO THIS MATTER.

II. JURISDICTION

THE U.S. DISTRICT COURT IS EXCLUSIVELY CLOTHED WITH ORIGINAL JURISDICTION OVER THIS URGENT AND LIFE-THREATENING CIVIL DISPUTE (FED. R. CIVIL P. RULE 2) UNDER 28 U.S.C.A. § 1331, AS IT ARISES UNDER THE CONSTITUTION, LAWS, OR TREATIES OF THE UNITED STATES. THEREFORE, MR. AVERY HEREBY DIRECTS THE DISTRICT COURT TO ENTERTAIN THIS URGENT MATTER UNDER 42 U.S.C.A. § 1988 - PROCEEDINGS IN VINDICATION OF RIGHTS, AS MR. AVERY IS NOW ARBITRARILY DEPRIVED OF ALL SUCH RIGHTS UNDER COLOR OF STATE LAW.

III. AFFIDAVIT OF TRUTH

OF SOUND MIND, COMPLETE COMPETENCE, AND UNDER PENALTY OF PERJURY I, DAVID A. AVERY HEREBY AFFIRM THAT THE STATEMENTS MADE HEREIN ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE. THIS

AFFIDAVIT IS NOT MEANT TO DECEIVE OR MISLEAD, BUT ONLY TO REVEAL THE TRUTH OF THIS MATTER:

IN 2007, UNDER COLOR OF STATE LAW, MR. AVERY WAS ERRONEOUSLY MISIDENTIFIED AS A PARTY TO THE CIVIL; CRIMINAL COMMERCIAL DISPUTE BETWEEN THE STATE OF TENNESSEE (COMMERCIAL ENTITY) AND DAVID ANTHONY AVERY (TRUST/ESTATE) CASE NO. 2006-C-2451.

AS A DIRECT RESULT OF THE MISTAKEN IDENTITY OF MR. AVERY CONCERNING THIS MATTER, MR. AVERY WAS HUMAN TRAFFICKED AND FALSELY IMPRISONED IN CUSTODY OF THE TENNESSEE DEPARTMENT OF CORRECTION (TDOC) IN VIOLATION OF 18 U.S.C.A. § 241 & 242.

MR. AVERY WAS NEVER AFFORDED HIS 6TH AMENDMENT RIGHT TO CONFRONT HIS ACCUSERS, AND WAS ALSO DEPRIVED OF HIS 5TH & 14TH AMENDMENT DUE PROCESS RIGHT OF PRESUMPTIVE INNOCENCE AND HIS RIGHT TO TESTIFY IN OPEN COURT ON HIS OWN BEHALF TO RESOLVE THIS URGENT MATTER.

THE DAVIDSON COUNTY CRIMINAL COURT RECKLESSLY DISPLAYED DELIBERATE INDIFFERENCE TO MR. AVERY'S RIGHT TO EQUAL PROTECTION OF THE LAW, KNOWINGLY DEPRIVING HIM OF ALL EQUAL RIGHTS TO WHICH HE IS INNATELY ENTITLED UNDER HIS NATURAL BORN CITIZENSHIP. SEE 42 U.S.C.A § 1981.

MR. AVERY HAS SUFFERED IRREPARABLE INJURIES IN A PHYSICAL, MENTAL, AND EMOTIONAL CAPACITY AS A DIRECT RESULT OF THE DEPRIVATION OF RIGHTS HE IS ENTITLED TO UNDER THE LAW VIA FALSE IMPRISONMENT UNDER INHUMANE CONDITIONS. SEE 8TH AMENDMENT TO THE BILL OF RIGHTS,

MR. AVERY WAS ALSO UNLAWFULLY DETAINED FOR ONE (1) YEAR PRIOR TO ALLEGEDLY BEING FOUND GUILTY AND CONVICTED IN A COMPETENT COURT OF LAW OF ANY CRIME OR CRIMES, WHICH CLEARLY CONSTITUTES FALSE IMPRISONMENT.

THE DISTRICT COURT IS CLOTHED WITH ORIGINAL JURISDICTION TO ENTERTAIN THIS URGENT & LIFE-THREATENING DISPUTE; 28 U.S.C.A. § 1331.

AFFIANT FURTHER SAITH NOT.

David A. Avery

IV. CONCLUSION

IN LIGHT OF THE FACTS DISCLOSED IN THE ABOVE INSCRIBED AFFIDAVIT OF TRUTH, THIS MATTER WARRANTS AT LEAST, IMMEDIATE ATTENTION AND REASONABLE CONSIDERATION OF MR. AVERY'S ASSERTIONS IN THE PRESENCE OF ALL PARTIES.

V. RELIEF SOUGHT

IN THIS URGENT MATTER, MR. AVERY HUMBLY REQUESTS FOR THE COURT TO SCHEDULE AND CONDUCT AN IMMEDIATE PRETRIAL CONFERENCE FOR THE SOLE PURPOSE OF SEEKING TO RESTORE ALL EQUAL RIGHTS TO MR. AVERY AND TO MAKE HIM WHOLE.

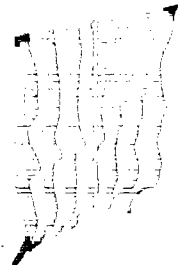
VI. CERTIFICATE OF SERVICE

I DO CERTIFY THAT AN EXACT COPY OF THE FOREGOING DOCUMENTATION WAS SENT VIA U.S. POSTAL SERVICE TO THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT AND TO ALL INTERESTED PARTIES BY THE CLERK ON THIS 17TH DAY OF DECEMBER 2024.

David A. Avery

DAVID A. AVERY, TRUST ACCT. #437427
% WTSP
480 GREEN CHAPEL RD.
HENNING, TENNESSEE 38041

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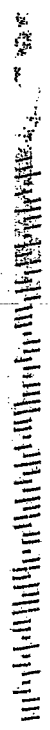
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U.S. DISTRICT COURT, MIDDLE DIST.
ATTN: COURT CLERK

U.S. COURTHOUSE, ROOM 800
NASHVILLE, TENNESSEE 37203

LEGAL MAIL

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LEGAL MAIL

